

**MINUTES OF THE CITY COMMISSION MEETING  
SEPTEMBER 27, 2004**

The City of Leesburg Commission held a regular meeting Monday, September 27, 2004, in the Commission Chambers at City Hall. Mayor Knowles called the meeting to order at 5:32 p.m. with the following members present:

Commissioner John Christian  
Commissioner Bob Lovell  
Commissioner Ben Perry  
Commissioner Lewis Puckett  
Mayor David Knowles

Also present were City Manager (CM) Ron Stock, City Clerk (CC) Betty Richardson, City Attorney (CA) Fred Morrison, Deputy City Clerk (DCC) Diane Gibson Smith, the news media, and others.

The invocation and Pledge of Allegiance were given at the Greater Leesburg Community Redevelopment Agency meeting.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD  
SEPTEMBER 13, 2004 AND THE SPECIAL MEETING HELD SEPTEMBER 16, 2004**

Commissioner Puckett moved to approve the City Commission minutes of the regular meeting held September 13, 2004. Commissioner Perry seconded the motion and it carried unanimously.

Commissioner Perry moved to approve the minutes of the Special City Commission meeting held September 16, 2004. Commissioner Puckett seconded the motion and it carried unanimously.

**PRESENTED SERVICE AWARDS**

Finance Director (FD) Bill Pfeilsticker presented a service award to Jane Mallory for twenty-five years in the Finance Department (Customer Service).

Service awards for Andrew Allen and Jeffrey Sloan will be rescheduled.

**PROCLAMATIONS**

Mayor Knowles proclaimed October 1, 2004, as "Day in the Park" at Rimes Early Learning and Literacy Center by reading the proclamation in its entirety.

**PUBLIC HEARINGS:**

**PUBLIC HEARING TO ADOPT THE MILLAGE RATE AND BUDGET FOR FISCAL  
YEAR 2004-05**

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### **ANNOUNCED THE PERCENTAGE INCREASE IN THE MILLAGE RATE OVER THE ROLLED BACK RATE**

Finance Director (FD) Bill Pfeilsticker announced the proposed millage rate of 4.50 mills. This represents an increase of .232 mills or 5.426% over the rolled-back rate of 4.268 mills.

### **DISCUSSED THE SPECIFIC REASONS FOR THE TAX INCREASE, IF APPLICABLE**

FD Pfeilsticker stated the increase is due to personal services including retirement costs.

### **COMMENTS FROM THE PUBLIC REGARDING THE BUDGET**

FD Pfeilsticker requested comments from the public. There were no comments.

### **ADOPTED RESOLUTION 7190 FINALLY ADOPTING THE MILLAGE RATE OF 4.500 MILLS PER \$1,000 TAXABLE VALUE FOR FISCAL YEAR 2004-05**

Commissioner Perry introduced the resolution to be read by title only. CC Richardson read the resolution, as follows:

A resolution finally adopting 4.500 mills as the fiscal year 2004-05 millage rate for the City of Leesburg, Florida, representing an increase of 0.232 mills or 5.426% over the rolled-back rate of 4.268 mills, and directing the City Manager or his authorized representative to certify said millage to the Lake County Property Appraiser, Tax Collector, and the Florida Department of Revenue.

Commissioner Lovell noted the City of Leesburg has not raised its millage rate in 15 years. He stated it is something of which to be proud.

Commissioner Perry moved to adopt the resolution and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the resolution.

### **ADOPTED ORDINANCE 04-77 ADOPTING THE FISCAL YEAR 2004-05 BUDGET**

CC Richardson read the ordinance by title only, as follows:

An ordinance of the City Commission of the City of Leesburg, Florida, adopting the Fiscal Year 2004-05 budget for the City of Leesburg, Florida; and providing an effective date.

Commissioner Lovell moved to adopt the ordinance and Commissioner Christian seconded the motion. The roll call vote was:

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Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the ordinance.

### **PUBLICLY ANNOUNCED THE PERCENTAGE INCREASE OF THE MILLAGE RATE OVER THE ROLLED BACK RATE**

FD Pfeilsticker publicly announced the adopted millage rate of 4.500 mills represents an increase of 0.232 mills or 5.426% over the rolled back rate of 4.268 mills.

### **ADOPTED ORDINANCE 04-78 ACCEPTING AN UTILITY EASEMENT FROM R. DEWEY BURNSED AND WALTER S. MCLIN, III FOR LAND IN HAMLET SUBDIVISION IN FRUITLAND PARK**

CC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from R. Dewey Burnsed and Walter S. McLin, III, as grantor to the City of Leesburg, as grantee, pertaining to land located in Section 10, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the ordinance.

### **ADOPTED ORDINANCE 04-79 VACATING MOSS STREET ADJACENT TO LEESBURG HIGH SCHOOL**

CC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, providing for the vacating of Moss Street, said property generally located at Leesburg High School, lying in Section 27, Township 19 south, Range 24 east; reserving utility easements over the area of the vacated street; providing for the vesting of title and conveyance of same to the abutting and contiguous property owners; and providing for an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Lovell seconded the motion.

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Commissioner Puckett questioned if the public is happy with the proposed cul-de-sacs. CM Stock stated the majority of the general public supports the plan.

The roll call vote was:

Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the ordinance.

### **ADOPTED ORDINANCE 04-80 REZONING APPROXIMATELY .25 ACRE WEST OF NINTH STREET AND NORTH OF DIXIE AVENUE FROM R-2 TO RP FOR ERICA GUENTHER**

CC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, rezoning approximately .25 acres generally located west of Ninth Street and north of Dixie Avenue (State Road 44), lying in Section 26, Township 19 south, Range 24 east, Lake County, Florida, from R-2 (low density residential) to RP (residential/professional); and providing an effective date.

Commissioner Lovell moved to adopt the ordinance and Commissioner Perry seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the ordinance.

### **INTRODUCED AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN CHANGING THE FUTURE LAND USE MAP DESIGNATION FOR APPROXIMATELY 6.5 ACRES WEST OF SOUTH STREET (SR 44) AND EAST OF FLATWOODS ROAD FROM LM TO GC (PAQUETTE)**

Commissioner Lovell introduced the ordinance to be read by title only. CC Richardson read the ordinance by title only, as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately 6.5 acres and generally located west of South Street (State Road 44), east of Flatwoods Road, lying in Section 28, Township 19 south, Range 24 east, Lake County, Florida, from LM (Low Density Residential) to GC (General Commercial); and providing an effective date.

**INTRODUCED AN ORDINANCE REZONING APPROXIMATELY 6.5 ACRES WEST OF SOUTH STREET AND EAST OF FLATWOODS FROM R-3 TO CIP SUBJECT TO CONDITIONS CONTAINED IN EXHIBIT A (PAQUETTE)**

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Commissioner Lovell introduced the ordinance to be read by title only. CC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, rezoning approximately 6.5 acres generally located west of South Street (State Road 44), east of Flatwoods Road, lying in Section 28, Township 19 south, Range 24 east, Lake County, Florida, from R-3 (Moderate Density Residential) to CIP (Commercial/Industrial Planned), subject to the conditions contained in Exhibit A; and providing an effective date.

**INTRODUCED AN ORDINANCE ANNEXING APPROXIMATELY 54.18 ACRES NORTH OF COUNTY ROAD 48 AND EAST OF PRICE ROAD (SANDERS, NICKERL, & STEPHENS)**

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Commissioner Perry introduced the ordinance to be read by title only. CC Richardson read the ordinance by title only, as follows:

An ordinance annexing certain property owned by Mable Polk Sanders and Terry Nickerl, Gerhard Nickerl, G. Martin Stephens and Jane A. Stephens, said property consisting of approximately 54.18 acres and being generally located north of County Road 48 and east of Price Road, lying in Sections 12 and 13, Township 20 south, Range 24 east, Lake County, Florida, which is contiguous to the city limits of the City of Leesburg, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said City; providing that such annexed property shall be subject to all laws and ordinances of said City as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that said property shall be placed in Commission District 3; and providing for an effective date.

**INTRODUCED AN ORDINANCE REZONING APPROXIMATELY 54.18 ACRES NORTH OF COUNTY ROAD 48 AND EAST OF PRICE ROAD FROM COUNTY A TO CITY PUD (SANDERS, NICKERL, & STEPHENS)**

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Commissioner Perry introduced the ordinance to be read by title only. CC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, rezoning approximately 54.18 acres generally located north of County Road 48 and east of Price Road, lying in Sections 12 and 13, Township 20 south, Range 24 east, Lake County, Florida from County A (Agriculture) to City PUD (Planned Unit Development) subject to the attached conditions; and providing an effective date.

**ADOPTED RESOLUTION 7191 OF THANKS TO CITY OF LEESBURG EMPLOYEES**

Commissioner Perry introduced the resolution to be read in its entirety.

Commissioner Perry moved to amend the resolution to include Hurricane Jeanne. Commissioner Lovell seconded the motion and it passed unanimously.

Mayor Knowles read the resolution in its entirety as follows:

A resolution of the City Commission of the City of Leesburg, Florida, expressing appreciation to the employees of the City of Leesburg, Florida for assistance in recovery from Hurricanes Charley and Frances and Jeanne, declaring October 5<sup>th</sup>, 2004 as Employee Appreciation Day; and providing an effective date.

**WHEREAS**, the employees of the City of Leesburg, Florida responded to requests to prepare for Hurricanes Charley *and* Frances *and* Jeanne and gave up their time as necessary to be available to deal with the aftermath, and

**WHEREAS**, the employees of the City of Leesburg, Florida assisted in preparation of shelters to protect citizens, employees, and their families from the impacts of Hurricanes Charley *and* Frances *and* Jeanne, and

**WHEREAS**, the employees of the City of Leesburg, Florida assisted in preparation of City facilities to withstand the effects of Hurricanes Charley *and* Frances *and* Jeanne, and

**WHEREAS**, the employees of the City of Leesburg, Florida packed their bags and reported to work stations, not knowing how long they might be away from their homes and families or how devastating the effects of the storms might be to their own properties, and

**WHEREAS**, the employees of the City of Leesburg, Florida took care of shelter occupants, administered care and entertainment, sharing smiles in lieu of worry as the winds blew, and

**WHEREAS**, the employees of the City of Leesburg, Florida answered telephones around the clock as the storms approached and provided aid and comfort to our citizens and customers, and

**WHEREAS**, the employees of the City of Leesburg, Florida stood ready to preserve the health, safety and welfare of the citizens of the City of Leesburg and made their way out into the streets as soon as weather permitted for that purpose, and

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**WHEREAS**, the employees of the City of Leesburg, Florida squeezed every moment of daylight out of each day to reopen the City and get the lights on, and

**WHEREAS**, the employees of the City of Leesburg, Florida restored power, cleared roads, cut trees, hauled debris, and answered thousands of phone calls, and

**WHEREAS**, the employees of the City of Leesburg, Florida performed damage assessment and reporting so the citizens of Leesburg might realize financial aid in a timely manner, and

**WHEREAS**, the employees of the City of Leesburg, Florida put off taking care of their own homes while they continued to take care of the City, choosing instead to dedicate their efforts to our citizens and customers, and

**WHEREAS**, the employees of the City of Leesburg, Florida became united, erasing departmental boundaries and working as one for the good of the whole;

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:**

**THAT** the Mayor and City Commission of the City of Leesburg hereby extend a warm and heartfelt thanks to the employees of the City of Leesburg for exhibiting leadership and willingness to provide aid and comfort to the citizens of Leesburg, and

**THAT** the Mayor and City Commission of the City of Leesburg hereby declare October 5, 2004 as Employee Appreciation Day; and

**THAT** this resolution shall become effective immediately.

**PASSED AND ADOPTED** by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 27th day of September 2004.

Commissioner Puckett moved to approve the resolution and Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the resolution.

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### **CONSENT AGENDA:**

Commissioner Perry moved to approve the Consent Agenda as presented. Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yeah
Commissioner Perry	Yeah
Commissioner Puckett	Yeah
Commissioner Christian	Yeah
Mayor Knowles	Yeah

Five yeas, no nays, the Consent Agenda was approved as follows:

### PURCHASING ITEMS:

1. LB-04-20 Complete construction of Air Rescue & Fire Fighting station at Leesburg Regional Airport (\$1,445,600.00)
2. Lake County Purchase order to Grubbs Emergency Services, LLC, for RFP 00-020 emergency debris removal (\$210,000.00)

### RESOLUTIONS:

#### **RESOLUTION 7192**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement with Wagner Construction, LLC to complete construction of Air Rescue and Fire Fighting (ARFF) station at the Leesburg Regional Airport, pursuant to bid LB-04-20; and providing an effective date.

#### **RESOLUTION 7193**

A resolution of the City Commission of the City of Leesburg, Florida, expressing appreciation to the City of High Point, North Carolina for assistance in recovery from Hurricane Frances; and providing an effective date.

#### **RESOLUTION 7194**

A resolution of the City Commission of the City of Leesburg, Florida, expressing appreciation to the First Baptist Church of Leesburg, for assistance in preparation for and recovery from Hurricane Frances; and providing an effective date.

#### **RESOLUTION 7195**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing and directing the Mayor and City Clerk to execute an interlocal agreement among the City of Leesburg and the School Board of Lake County, the State of Florida Department of Juvenile Justice, the Sheriff of Lake County, and the City of Eustis, for the purpose of establishing policies and procedures related to the privacy of public school student information; and providing an effective date.

#### **RESOLUTION 7196**

A resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement with SAFECO Life Insurance Company to provide excess stop-loss insurance for the City's group medical insurance program and providing an effective date.



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### **RESOLUTION 7197**

A resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement with Florida League of Cities and Unisource Administrators Inc. to provide administrative services related to the City's self-insured Workers' Compensation program including, claim administration, provider network, managed care program, loss control and general administrative services and providing an effective date.

### **RESOLUTION 7198**

A resolution of the City Commission of the City of Leesburg, Florida authorizing the City Manager to submit a Tree City USA application for recertification to the National Arbor Day Foundation for the purpose of renewing the City of Leesburg's designation as a Tree City USA; and providing an effective date.

### **RESOLUTION 7199**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing execution of a Satisfaction of Mortgage given by Griffin Tower, Inc. to the City of Leesburg, Florida; and providing an effective date.

### **RESOLUTION 7200**

A resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Christian Care /Benevolence Center to provide C.U.R.E. (Citizens Utility Relief Effort) vouchers to utility customers during Fiscal Years 2004-09; and providing an effective date.

### **RESOLUTION 7201**

A resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Christian Social Services of Lake and Sumter Counties, Inc. to provide C.U.R.E. (Citizens Utility Relief Effort) vouchers to utility customers during Fiscal Years 2004-09; and providing an effective date.

### **RESOLUTION 7202**

A resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Lake Community Action Agency, Inc. to provide C.U.R.E. (Citizens Utility Relief Effort) vouchers to utility customers during Fiscal Years 2004-09; and providing an effective date.

### **RESOLUTION 7203**

A resolution of the City Commission of the City of Leesburg, Florida authorizing and directing the Mayor and City Clerk to execute an agreement for grant funding between the City of Leesburg and Boys and Girls Club of Lake and Sumter Counties, Inc. during Fiscal Year 2004-05 and providing an effective date.

### **RESOLUTION 7204**

A resolution of the City Commission of the City of Leesburg, Florida authorizing and directing the Mayor and City Clerk to execute an agreement for grant funding between the City of Leesburg and Leesburg Area Chamber of Commerce during Fiscal Year 2004-05 and providing an effective date.

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### **RESOLUTION 7205**

A resolution of the City Commission of the City of Leesburg, Florida authorizing and directing the Mayor and City Clerk to execute an agreement for grant funding between the City of Leesburg and Leesburg Cemeteries, Inc. during Fiscal Year 2004-05 and providing an effective date.

### **RESOLUTION 7206**

A resolution of the City Commission of the City of Leesburg, Florida authorizing and directing the Mayor and City Clerk to execute an agreement for grant funding between the City of Leesburg and Leesburg Partnership, Inc. during Fiscal Year 2004-05 and providing an effective date.

### **RESOLUTION 7207**

A resolution of the City Commission of the City of Leesburg, Florida authorizing and directing the Mayor and City Clerk to execute an agreement for grant funding between the City of Leesburg and Lifestream Behavioral Center, Inc. during Fiscal Year 2004-05 and providing an effective date.

### **RESOLUTION 7208**

A resolution of the City Commission of the City of Leesburg, Florida authorizing and directing the Mayor and City Clerk to execute an agreement for grant funding between the City of Leesburg and the Leesburg Center for the Arts during Fiscal Year 2004-05 and providing an effective date.

### **RESOLUTION 7209**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a Letter Modification with the Trust for Public Land to amend the existing lease-purchase agreement with the City of Leesburg dated December 5, 2003 related to the Rails to Trails program; and providing an effective date.

### **RESOLUTION 7210**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement with the Trust for Public Land to provide for assignment and assumption of rights and responsibilities as lessor, licensor and grantor of leases, licenses and agreements affecting rail corridor property in Lake County, Florida for the Rails to Trails program; and providing an effective date.

### **RESOLUTION 7211**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a mitigation and indemnification agreement with CSX Transportation, Inc. for properties proposed for purchase under the Rails to Trails program; and providing an effective date.

### **RESOLUTION 7212**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an interlocal agreement between the City of Leesburg and the Lake County Board of Commissioners for providing unified library service to residents of Lake County by participating in the cooperative operation of the Lake County Library System; and providing an effective date.

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### **OTHER AGENDA ITEMS:**

1. Monthly Financial Report for August 2004
2. BPCA of \$17.50 per 1,000 kWh for October 2004
3. Report of Account Receivables write-offs for Fiscal Year 2003-04
4. Approve an interfund loan of \$11 million from the Electric, Gas, and Water Funds to the Wastewater Fund for bond defeasance May 24, 200
5. Approve forfeiture funds for the Leesburg Recreation Department Athletic Sponsorship money for underprivileged youth in the community
6. Approve forfeiture funds to purchase elementary school D.A.R.E. graduation tee shirts and workbooks
7. Approve reimbursement to Lake County School Board for costs not to exceed \$36,000.00 associated with upsizing utilities on Radio Road for future development

### **CITY ATTORNEY ITEMS:**

1. CA Morrison stated Leesburg Concrete worked with Planning and Zoning Manager Bill Wiley to come to an agreeable conditional use permit for the new location. This permit was approved at a recent Planning and Zoning Commission meeting. Leesburg Concrete has stopped the night time activity at its current location. CA Morrison recommended deferring any further action at this time. If the business does not relocate to the new property, then steps can be taken to resolve the noise issue.

### **CITY MANAGER ITEMS:**

- A. CM Stock requested Interim Deputy City Manager (IDCM) Lora Bailey report on the Employee Appreciation Luncheon set for October 5, 2004 at the Community Building.

IDCM Bailey stated lunch will be served to the employees on October 5, 2004 in two shifts beginning at 11:00 a.m. Commissioners are invited to join in the serving. The menu will be barbecue.

IDCM Bailey also gave a brief update on the debris removal from Hurricanes Frances and Jeanne and problems from Hurricane Jeanne. She noted Hurricane Frances left enough debris to fill three City Halls. The biggest challenges were the limbs and trees entangled in the power lines. Hurricane Jeanne has left some City buildings with water and roof damage. The City does have four lift stations being run from generators.

- B. CM Stock reported on some of the costs associated with the hurricanes. He noted the City will receive reimbursement from Fort Meade for the assistance the City provided. From Hurricanes Frances and Jeanne, the City expects to receive 60% to 90% reimbursement for its expenses. The problem is the expenditures happened in fiscal year 2003/2004 and the reimbursement will be realized in fiscal year 2004/2005. This may lead to a negative audit statement.

### **ROLL CALL**

Commissioner Lovell – stated he is very proud of the City's employees.

Commissioner Perry – volunteered for the 11:00 serving on October 5, 2004.

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Commissioner Puckett – volunteered for either serving on October 5, 2004.

Commissioner Christian – stated he will be there for all servings on October 5, 2004.

Mayor Knowles – offered to cook the barbecue.

Commissioner Lovell moved to adjourn the meeting. Commissioner Perry seconded the motion and the meeting adjourned at 6:20 p.m.

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Mayor

Attest:

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City Clerk

*Diane Gibson Smith*  
Recorder

MINUTES 040927